

July 20, 2020

West Des Moines City Council Proceedings
Monday, July 20, 2020

Mayor Steven K. Gaer opened the regularly scheduled meeting of the City Council of West Des Moines, Iowa, in the Council Chambers of the West Des Moines City Hall on Monday, July 20, 2020 at 5:30 PM. Council members present were: R. Hardman, G. Hudson, M. McKinney, and R. Trimble.

City Clerk Ryan Jacobson stated staff is recommending two amendments to the agenda: Item 5(a) Village on Jordan Creek had listed second reading, third reading, and final adoption of the ordinance, but it should be the second reading only, and the language for Item 7(a) Browns Woods Hollow Plat 1 needs to be corrected to reflect the correct numbers of lots and reference the acceptance of public improvements.

On Item 1. Agenda. It was moved by Trimble, second by Hardman approve the agenda as amended.

Vote 20-261: Hardman, Hudson, McKinney, Trimble...4 yes
Motion carried.

On Item 2. Public Forum

Julia McGuire, 919 45th Street, expressed appreciation to the City for its residential rain barrel reimbursement program, and she encouraged the City to consider expanding the program and adding more programs that incentivize homeowners to be environmentally responsible.

Steve Purcell, Mediacom Communications, 3737 Westown Parkway, expressed concerns regarding Item 4(k) Direct Advertisement for Sale - General Obligation Capital Loan Notes, because one of those issuances is related to the Conduit Network License Agreement with Google Fiber that was approved by the City Council on July 6, 2020. He noted the council communication for that item in the July 6th council packet indicated "Google Fiber will provide annual conduit lease payments up to \$20 million," which he believed implied the lease payments would be \$20 million per year. However, his calculation, based on the number of households, led to lease payments of approximately \$1 million per year, so he believes there is a discrepancy with the math used in the council communication.

Jamie Letzring, Deputy City Manager, reported the City's investment in the fiber conduit infrastructure will be approximately \$40-42 million, and that Mr. Purcell's interpretation of the rate based on number of households is accurate. The Google Fiber agreement strives to generate revenue up to \$1 million annually, not \$20 million annually. She noted additional revenue could be generated by other companies that also locate their fiber in the City's conduit infrastructure.

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Mayor Gaer stated the City had already planned to construct the fiber conduit infrastructure before Google Fiber approached them with an invitation to collaborate on the project.

Ms. Letzring stated the City would be excited to partner with Mediacom Communications to offer their services via the City's new fiber conduit infrastructure as well.

On Item 3. Council/Manager/Other Entities Reports:

Council member McKinney reported he attended a meeting of the Development and Planning Subcommittee, where discussion was held on the authority of the Board of Adjustment and the possibility of raising chickens in residential zoning areas. He also reported he attended a meeting of the Metro Advisory Council, where discussion was held on the increasing volume of calls to the "211" mental health number and police reform. He also expressed appreciation to staff for addressing some residents' concerns regarding the Grand Avenue Reconstruction project.

Council member Trimble reported the Parks and Recreation Advisory Board met and discussed potential City Code amendments regarding park regulations. He also noted the Raccoon River Park Boathouse will be opening later this week and the Jamie Hurd Amphitheater is expected to open on September 1st, and he provided additional updates on Parks and Recreation activities. He also reported he is on the Polk County Recovery Committee, which has held discussions on the ongoing COVID-19 pandemic and best practices regarding social distancing and wearing face coverings.

Council member Hudson reported the 2020 Census is still ongoing, and he encouraged all residents to take the time to complete the Census online. He also expressed appreciation to staff for improvements to the City Hall campus pond and for initiating HAWK beacon projects at the intersection of Mills Civic Parkway and South 41st Street and the intersection of EP True Parkway and 39th Street.

Council member Hardman reported she has been appointed to the Polk County Disaster Recovery Partnership, which has held discussions on impacts of the COVID-19 pandemic and potential collaboration opportunities. She also expressed appreciation to staff for addressing a nuisance issue at a home on Ashmore Circle. She also reported she will attend a meeting of the Library Board of Trustees tomorrow. She stated she has received a number of letters and phone calls regarding face coverings, and she wants to publicly express her support for wearing face coverings as a means to prevent transmission of COVID-19, and she plans to wear a mask whenever she is in public. She stated the issue of face coverings is not a political statement, as it is a public health issue.

On Item 4. Consent Agenda.

Council members pulled Items 4(a) and 4(k) for discussion. It was moved by Trimble, second by Hudson to approve the consent agenda as amended.

- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
 - 1. 50th Street Sports, LLC d/b/a Grumpy Goat Tavern, 1300 50th Street, Suite 206
Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
 - 2. Hana Ramen Sushi, Inc. d/b/a Hana Ramen Sushi, 7450 Bridgewood Boulevard,
#205 - Class LC Liquor License with Sunday Sales and Outdoor Service –
Renewal
 - 3. Miranda Family Corporation d/b/a Mi Patria, 1410 22nd Street - Class LC Liquor
License - Renewal
 - 4. New York Style Pizza d/b/a OPA! Italian & Greek Dining, 2800 University
Avenue, Suite 450 - Class LC Liquor License with Sunday Sales - New
 - 5. Cinderella Story, LLC, d/b/a Shotgun Betty's - Class LC Liquor License with
Sunday Sales and Outdoor Service - Renewal
 - 6. Tea Time Two, LLC, d/b/a Wines of Iowa, 234 5th Street - Class B Native Wine
Permit with Sunday Sales - Renewal
- d. Approval of Waiver of City Code Requirement Regarding a Special Event Lane Closure
– School of Rock End of Season Concert, August 1, 2020
- e. Approval of Appointment - Due Diligence Committee
- f. Approval of Cartograph Software and Support Agreement
- g. Approval of Professional Services Agreement - Fox Creek Greenway Trail, Schematic
Design
- h. Approval of Purchase of Stream Credits - Grand Technology Gateway Environmental
- i. Approval of Amendment No. 1 to Professional Services Agreement - Walnut Creek
Floodgates Repair
- j. Approval of Change Order #1 - Park Restrooms/Shelters, Phase 2 - Miscellaneous
Repairs
- l. Approval of Amendment No. 1 to Professional Services Agreement - West Des Moines
Digital Enterprise - Dave Lyons, The Iowa Institute
- m. Order Preparation of Plans and Specifications - Valley View Aquatic Center Lap Pool
One-Meter Diving Stand and Three-Meter Diving Platform
- n. Accept Work:
 - 1. Ashworth Road Reconstruction, 88th Street to 98th Street
 - 2. Valley Junction Activity Center, Phase 3 Remodel
 - 3. Sheraton Lift Station Generator Replacement
 - 4. Whisper Point Park Improvements
- o. Approval of Professional Services Agreements:
 - 1. ArcFlash Study - Various Facilities
 - 2. City Hall Pond Dredging
 - 3. City Hall Pond Observatory Repairs Study
 - 4. Facility Assessment, Phase 2
 - 5. HAWK Beacon - South 41st Street and Mills Civic Parkway
 - 6. High Street Storm Sewer Improvements
 - 7. SE Salix Street, Veterans Parkway to 1st Street

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- 8. South 35th Street and Grand Valley Culverts
- p. Accept Public Improvements:
 - 1. Sammons Financial Group
 - 2. Willow Creek Villas Plat 1
- q. Establish Consultation Meeting and Public Hearing - Amendment #9 to the Amended and Restated Mills Parkway Urban Renewal Area (Subdistrict 9)
- r. Approval and Acceptance of Easements - Kindercare Childcare Center, 865 South 51st Street
- s. Approval of Amendment to the Conditions of Approval for a Phased Site Plan - Allied Construction, 2825 SE 1st Street
- t. Approval and Acceptance of Agreement for Architectural Services for the MidAmerican Energy RecPlex
- u. Approval and Acceptance of Purchase Agreements and Property Interests - Grand Avenue Reconstruction, 1st Street to 4th Street
- v. Approval and Acceptance of Property Interests – Memorial Park Cemetery (Nazarene Camp)

Vote 20-262: Hardman, Hudson, McKinney, Trimble...4 yes
Motion carried.

On Item 4(a) Approval of Minutes of July 6, 2020 Meeting

Council member Hardman requested an addition be made to the July 6th minutes under Item 9(a) Human Rights Commission Strategic Plan Presentation, so that they include Chair Sanjita Pradhan's comments when she recognized Council member Hardman as the City Council liaison to the commission.

It was moved by Hardman, second by Trimble to approve Item 4(a) Approval of Minutes of July 6, 2020 Meeting, with an amendment to include Chair Sanjita Pradhan's comments when she recognized Council member Hardman as the City Council liaison to the commission.

Vote 20-263: Hardman, Hudson, McKinney, Trimble...4 yes
Motion carried.

On Item 4(k) Direct Advertisement for Sale, Approval of Electronic Bidding Procedures and Approval of Official Statement - \$13,805,000 General Obligation Refunding Capital Loan Notes, Series 2020A; \$5,100,000 General Obligation Urban Renewal Capital Loan Notes, Series 2020B; \$13,565,000 General Obligation Urban Renewal Capital Loan Notes, Taxable Series 2020C

Council member McKinney stated he will abstain on this item due to a potential conflict of interest.

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It was moved by Trimble, second by Hudson to approve Item 4(k) Direct Advertisement for Sale, Approval of Electronic Bidding Procedures and Approval of Official Statement - \$13,805,000 General Obligation Refunding Capital Loan Notes, Series 2020A; \$5,100,000 General Obligation Urban Renewal Capital Loan Notes, Series 2020B; \$13,565,000 General Obligation Urban Renewal Capital Loan Notes, Taxable Series 2020C.

Vote 20-264: Hardman, Hudson, Trimble ... 3 yes
McKinney ... 1 abstain due to potential conflict of interest

Motion carried.

On Item 5(a) Village on Jordan Creek, southwest corner of Jordan Creek Parkway and Ashworth Road - Establish the Village on Jordan Creek Planned Unit Development (PUD), initiated by Czech Mate, LLC (Continued from July 6, 2020)

Shawn Leisinger, 7755 Aspen Drive, stated he is not opposed to the proposed development occurring in this area, but he expressed opposition to the proposed 76th Street connection to Ashworth Road, citing concerns about traffic and excessive speeding that he believes would occur through his residential neighborhood. He suggested the proposed development could have its second access connect with Jordan Creek Parkway to the east instead of 76th Street to the south.

Brian Hemesath, City Engineer, responded to questions from the Council, stating the proposed 76th Street connection to Ashworth Road will help alleviate traffic concerns throughout the area. He reported a traffic study was completed for 76th Street, and a vast majority of vehicles were recorded as travelling at or near the speed limit, with a few exceptions where the speed was excessive.

Council member Hudson expressed concerns about a potential increase in traffic on 76th Street after the connection to Ashworth Road is constructed, and he requested that staff seek ways to mitigate those concerns should that occur. He also expressed concerns about construction traffic passing through the residential neighborhood on 76th Street once the development project is underway, and he suggested that the "Dead End" sign remain in effect until the connection to Ashworth is fully completed. He also suggested that there should be as many trees as possible in the buffer between the existing single-family homes and the proposed development to the north.

Jason Ledden, Snyder & Associates, 2727 Snyder Boulevard, Ankeny, on behalf of the developer, reported the project will be able to retain a ten-foot strip of trees within the buffer, in addition to existing trees scattered throughout the area near the buffer. He noted there will also be a six-foot tall berm with a six-foot tall fence on top within the buffer.

It was moved by Trimble, second by Hardman to consider the second reading of the ordinance, with direction given to staff to include a requirement that the existing 76th Street dead end remain in effect until the connection to Ashworth is fully completed.

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Vote 20-265: Hardman, McKinney, Trimble ... 3 yes
Hudson ... 1 no

Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trimble, second by McKinney to approve the second reading of the ordinance, with direction given to staff to include a requirement that the existing 76th Street dead end remain in effect until the connection to Ashworth is fully completed.

Vote 20-266: Hardman, McKinney, Trimble ... 3 yes
Hudson ... 1 no

Motion carried.

On Item 6(a) Mayor Gaer indicated this was the time and place for a public hearing to consider The Wilder Pines, 1000 and 1100 South 60th Street - Approve a Comprehensive Plan Land Use Map Amendment and Establish a Planned Unit Development (PUD) for Single Family Residential Development, initiated by The Pines, LLC (Continued from July 6, 2020). He asked for the date the notice was published and the City Clerk indicated the notice was published on June 16, 2020 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated on a vote of 7-0, the Plan and Zoning Commission recommended City Council approval of the Comprehensive Plan amendment and PUD ordinance.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Trimble, second by McKinney to adopt Resolution - Approval of Comprehensive Plan Amendment.

Vote 20-267: Hardman, Hudson, McKinney, Trimble...4 yes
Motion carried.

It was moved by Trimble, second by McKinney to consider the first reading of the ordinance.

Vote 20-268: Hardman, Hudson, McKinney, Trimble...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trimble, second by Hudson to approve the first reading of the ordinance.

Vote 20-269: Hardman, Hudson, McKinney, Trimble...4 yes
Motion carried.

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On Item 6(b) Fox Ridge, west of Fox Valley and south of Veterans Parkway and SE Adams Street - Amend Comprehensive Plan Land Use Map and Zoning Map to Enable Single-Family Residential, Medium-Density Residential, and Park Land Uses, initiated by Charles I. and Ruth Colby National Trust

It was moved by Trimble, second by McKinney to adopt Motion - Continue Public Hearing to August 3, 2020.

Vote 20-270: Hardman, Hudson, McKinney, Trimble...4 yes
Motion carried.

On Item 6(c) Mayor Gaer indicated this was the time and place for a public hearing to consider Tallyn's Reach, northwest and southwest corner of Stagecoach Drive and 88th Street - Amend the Planned Unit Development (PUD) to Change Residential Setback Standards for Parcel G, initiated by Mill Ridge Homes, LLC. He asked for the date the notice was published and the City Clerk indicated the notice was published on July 13, 2020 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated on a vote of 7-0, the Plan and Zoning Commission recommended City Council approval of the PUD amendment.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Hardman, second by Hudson to consider the first reading of the ordinance.

Vote 20-271: Hardman, Hudson, McKinney, Trimble...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Hardman, second by Hudson to approve the first reading of the ordinance.

Vote 20-272: Hardman, Hudson, McKinney, Trimble...4 yes
Motion carried.

On Item 6(d) Mayor Gaer indicated this was the time and place for a public hearing to consider Amendment #8 to Amended and Restated Mills Parkway Urban Renewal Area (Subdistrict 8), initiated by the City of West Des Moines (Continued from June 15, 2020). He asked for the date the notice was published and the City Clerk indicated the notice was published on June 5, 2020 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

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It was moved by Trimble, second by Hudson to adopt Resolution - Approval of Urban Renewal Plan Amendment.

Vote 20-273: Hardman, Hudson, McKinney, Trimble...4 yes
Motion carried.

It was moved by Trimble, second by Hardman to consider the first reading of the ordinance.

Vote 20-274: Hardman, Hudson, McKinney, Trimble...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trimble, second by Hudson to approve the first reading of the ordinance.

Vote 20-275: Hardman, Hudson, McKinney, Trimble...4 yes
Motion carried.

On Item 6(e) Ponderosa Urban Renewal Area, initiated by the City of West Des Moines
(Continued from June 15, 2020)

It was moved by McKinney, second by Hudson to adopt Motion - Continue Public Hearing to August 17, 2020.

Vote 20-276: Hardman, Hudson, McKinney, Trimble...4 yes
Motion carried.

On Item 6(f) Mayor Gaer indicated this was the time and place for a public hearing to consider Vacation of a Portion of SE Maffitt Lake Road Right of Way, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on July 15, 2020 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by McKinney, second by Hudson to consider the first reading of the ordinance.

Vote 20-277: Hardman, Hudson, McKinney, Trimble...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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It was moved by McKinney, second by Hudson to approve the first reading of the ordinance.

Vote 20-278: Hardman, Hudson, McKinney, Trimble...4 yes
Motion carried.

On Item 6(g) Conveyance of Property to West Lakes Properties, L.C. - Portion of Former SE Maffitt Lake Road Right of Way, initiated by the City of West Des Moines

It was moved by Hudson, second by Trimble to adopt Motion - Continue Public Hearing to August 3, 2020.

Vote 20-279: Hardman, Hudson, McKinney, Trimble...4 yes
Motion carried.

On Item 6(h) Conveyance of Permanent Multi-Purpose Trail Easement to Polk County Conservation Board - Portion of Former SE Maffitt Lake Road Right of Way, initiated by the City of West Des Moines

It was moved by Trimble, second by McKinney to adopt Motion - Continue Public Hearing to August 3, 2020.

Vote 20-280: Hardman, Hudson, McKinney, Trimble...4 yes
Motion carried.

On Item 6(i) Mayor Gaer indicated this was the time and place for a public hearing to consider South Service Area Segment 4 and 10 Sewers, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on July 10, 2020 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated one correspondence was received today and has been placed on the dais this evening.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Hardman, second by Hudson to adopt Resolution - Approval of Acquisition of Agricultural Property.

Mayor Gaer noted City staff is continuing to work with the property owners on the alignment for this project.

Vote 20-281: Hardman, Hudson, McKinney, Trimble...4 yes
Motion carried.

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On Item 6(j) Mayor Gaer indicated this was the time and place for a public hearing to consider Veterans Parkway Enhancements, Phase 1 - Gateway and Median Features, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on July 10, 2020 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Hardman, second by Trimble to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Koester Construction Company.

The Mayor and Council expressed support for this enhancements project and how it recognizes our veterans for their service to our country.

Vote 20-282: Hardman, Hudson, McKinney, Trimble...4 yes
Motion carried.

On Item 7(a) Browns Woods Hollow Plat 1, Veterans Parkway at SE Hollow Court - Subdivide Property into 25 Lots for Single Family Development, Three Public Street Lots and One Outlot for Storm Water Detention, initiated by Browns Woods Hollow, LLC

It was moved by Trimble, second by Hudson to adopt Resolution - Acceptance of Public Improvements and Approval and Release of Final Plat, subject to the applicant complying with all applicable City Code requirements and the conditions of approval listed in the Resolution.

Vote 20-283: Hardman, Hudson, McKinney, Trimble...4 yes
Motion carried.

On Item 7(b) The Wilder Pines Plat 1, 1000 and 1100 South 60th Street - Subdivide Property into Eleven Lots for Single Family Development, initiated by The Pines, LLC

It was moved by Trimble, second by Hudson to adopt Resolution - Approval of Preliminary Plat, subject to the applicant complying with all applicable City Code requirements and the conditions of approval listed in the Resolution.

Vote 20-284: Hardman, Hudson, McKinney, Trimble...4 yes
Motion carried.

On Item 7(c) Midtown Redevelopment, 1221 through 1261 8th Street - Approval of a Preliminary Plat and Site Plan to Allow Development of a Commercial and Residential Vertical Mixed-Use Development, initiated by JGC Holdings, LLC

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It was moved by Trimble, second by Hudson to adopt Resolution - Approval of Preliminary Plat and Site Plan, subject to the applicant complying with all applicable City Code requirements and the conditions of approval listed in the Resolution.

Vote 20-285: Hardman, Hudson, McKinney, Trimble...4 yes
Motion carried.

On Item 7(d) Jordan House, 2296 Fuller Road - Create One Parcel for Transfer of Ownership and Approve Accept a Lot Tie Agreement, initiated by West Des Moines Historical Society, Inc.

It was moved by Trimble, second by Hardman to adopt Resolution - Approval and Release of Plat of Survey, subject to the applicant complying with all applicable City Code requirements and the conditions of approval listed in the Resolution.

Vote 20-286: Hardman, Hudson, McKinney, Trimble...4 yes
Motion carried.

On Item 8 - Receive, File and/or Refer: no items

On Item 9(a) Comprehensive Plan Land Use Map Update

City Manager Tom Hadden reported Lynne Twedt, Development Services Department, and her staff have worked tirelessly on this comprehensive plan update, including a significant amount of public outreach. Tonight's initial discussion with the Council is beginning with the land use map, because that is of the highest interest to many people.

Mayor Gaer suggested that, once the land use map update is approved, the City Council should then approve consistency rezoning across the city so that there are no discrepancies between the comprehensive plan land use map and the zoning map. He also encouraged staff to be flexible throughout the process.

Lynne Twedt, Development Services Director, provided an overview of the proposed updates to the comprehensive land use map, and she stated staff is requesting a general consensus among the council before they proceed with further public outreach on the specific changes. She reported staff believes the existing list of 24 different land uses classifications is excessive, so staff is recommending a reduction to ten land use classifications. Staff also took into consideration environmentally sensitive areas that should not be developed and indicated those areas accordingly on the map. She stated staff also intends for assurances to be provided through 21 different "place types" and restrictions on what uses can exist adjacent to each of those "place types."

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Mayor Gaer requested that staff provide information on which areas have proposed land use changes and the rationale for each of those changes, so that the Council can provide feedback on those changes before they are presented in the next public outreach phase.

Council member McKinney requested that staff provide information on forecasted property tax revenue with the proposed comprehensive plan land use map fully developed, so the Council can ensure that the proposed mix of land uses would be sustainable for the city and its future growth.

The Mayor and Council held further discussion on the proposed comprehensive plan land use map update, and staff was directed to present their land use recommendations with the additional information requested at a council workshop on August 17th. A second workshop will be scheduled for September 8th to discuss how assurances could be provided regarding what uses would be allowed.

The meeting was adjourned at 7:53 p.m.

Respectfully submitted,

Ryan T. Jacobson, CMC
City Clerk

ATTEST:

Steven K. Gaer, Mayor